

October 25, 2017

NOTICE OF DECISION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Rancho Palos Verdes has adopted P.C. Resolution No. 2017-38, denying, without prejudice, Major Wireless Telecommunications Facility Permit ASG No. 36 for the installation of a new 26' tall concrete pole with two 21.4" side-mounted panel antennas and related vaulted mechanical equipment at:

LOCATION: Across 28907 Doverridge Drive

APPLICANT: Crown Castle

PROPERTY OWNER: City of Rancho Palos Verdes

Said decision is subject to the Conditions of Approval set forth in P.C. Resolution No. 2017-38 (available on the City's website at <http://www.rpvca.gov/916/Wireless-Telecommunications-Facilities>).

This decision may be appealed, in writing, to the City Council. The appeal shall set forth the grounds for appeal and any specific action being requested by the appellant. Any appeal letter must be filed within fifteen (15) calendar days of the approval date, or by 5:30 p.m. on Wednesday, November 8, 2017. A \$2,275.00 appeal fee (or a \$1,275.00 appeal fee for residents) must accompany any appeal letter. If no appeal is filed in a timely manner, the Planning Commission's decision will be final at 5:30 p.m. on Wednesday, November 8, 2017.

If you have any questions, or would like to discuss the project further in detail, please contact Art Bashmakian at (310) 544-5227 or via email at wirelessTF@rpvca.gov.



Ara Mihranian, AICP
Director of Community Development

Enclosure

cc: Crown Castle
Project File

P.C. RESOLUTION NO. 2017-38

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DENYING, WITHOUT PREJUDICE, WIRELESS TELECOMMUNICATIONS FACILITY PERMIT ASG NO. 36 FOR THE INSTALLATION OF A NEW 26' TALL CONCRETE POLE WITH TWO 21.4" SIDE-MOUNTED PANEL ANTENNAS WITH RELATED VAULTED MECHANICAL EQUIPMENT ACROSS FROM 28907 DOVERRIDGE DRIVE.

WHEREAS, Chapter 12.18 of the Rancho Palo Verde Municipal Code (RPVMC or Municipal Code) governs the permitting, development, siting, installation, design, operation and maintenance of wireless telecommunications facilities ("WTFs") in the City's public right-of-way ("PROW") (RPVMC § 12.18.010);

WHEREAS, beginning in May of 2016, Crown Castle (the "Applicant") applied to the City for an Wireless Telecommunications Facility Permit ("WTFP"), pursuant to Section 12.18.040(A) of the Municipal Code, to install 26 antennas in the public right-of-way (PROW) to service AT&T customers throughout the City including ASG No. 36 ("Project") across from 28907 Dovernidge Drive;

WHEREAS, the Project also includes vaulted mechanical equipment including the radio and auxiliary equipment, as well as the SCE meter box in another vault. The Project consists of a total of three vaults measuring approximately 43 square feet;

WHEREAS, because the Project's location is within a residential zone and within the PROW of local streets as identified in the General Plan, approval of a WTFP also requires an Exception under Section 12.18.190 of the Municipal Code;

WHEREAS, the Project is exempt from review under the California Environmental Quality Act ("CEQA") because the Project constitutes a small scale installation of a new facility (14 CCR § 15303(d));

WHEREAS, on September 28, 2017, the Planning Commission held a duly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence, and, at the request of the Applicant, continued the public hearing to October 24, 2017; and,

WHEREAS, on October 24, 2017, the Planning Commission held the duly noticed continued public hearing, at which time all interested parties were given an opportunity to be heard and present evidence.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

Section 1: The proposed Project is a request to:

- A. Install a WTF across from 28907 Dovernidge Drive,

- B. Install a new 26' tall octagonal concrete pole with two 21.4" side-mounted panel antennas; and
- C. Install vaulted mechanical equipment in the street of the PROW.

Section 2: The findings required to be made by the Planning Commission for the approval of a WTF permit, as set forth in Chapter 12.18 of the RPVMC, cannot be made as follows:

- A. **The Project does not meet the Findings required by Section 12.18.090, Subsection B, of the Municipal Code, which particularly requires that “[t]he proposed facility has been designed and located in compliance with all applicable provisions of this chapter,” as follows:**

12.18.080(A)(1)(a): *The applicant shall employ screening, undergrounding and camouflage design techniques in the design and placement of wireless telecommunications facilities in order to ensure that the facility is as visually screened as possible, to prevent the facility from dominating the surrounding area and to minimize significant view impacts from surrounding properties all in a manner that achieves compatibility with the community and in compliance with Section 17.02.040 (View Preservation and Restoration) of this code.*

The introduction of new vertical infrastructure involving a new 26' tall pole with two 21.4" panel antennas within the residential neighborhood will be highly visible and will dominate the surrounding area because all utilities in this neighborhood are underground. The proposed installation and support equipment does not meet the "non-dominant design" standard requiring a facility to be compatible with the surrounding environment. The proposed installation and support equipment is not compatible with the surrounding environment. The introduction of a new pole and the size of the side-mounted proposed antennas to the new pole, in its proposed location, is a dominant feature that is out-of-character with the surrounding neighborhood as there are no other poles or streetlight pole on that side of the street in the immediate area, and that the size and shape of the pole and panel antennas do not blend the facility into the built and natural environment. The City of Rancho Palos Verdes' streets, parkway- and median- landscaping, and public utilities within the rights-of-way have been planned and constructed to achieve an attractive appearance which includes minimizing the number and appearance of utilities and related equipment, particularly in residential areas. The proposed facility would create a significant view impairment of Catalina Island from residential viewing areas at 28731 and 28723 Shire Oaks Drive as defined in Rancho Palos Verdes Development Code Section 17.02.040 (View Preservation and Restoration Code).

12.18.080(A)(1)(b): *Screening shall be designed to be architecturally compatible with surrounding structures using appropriate techniques to camouflage, disguise,*

and/or blend into the environment, including landscaping, color, and other techniques to minimize the facility's visual impact as well as be compatible with the architectural character of the surrounding buildings or structures in terms of color, size, proportion, style, and quality.

The area in which this Project is proposed consists of a dense residential neighborhood with homes that have street facing windows and well-maintained manicured landscaping and parkways. The introduction of a new pole will be visually intrusive within the surrounding neighborhood and will not visually blend with the surrounding environment because the proposed pole will be placed on the side of the street that does not have any above-ground infrastructure, a slim line antenna design is not being proposed, and mature vegetation that would conceal the project does not exist. The proposed new pole with the antennas in its proposed location is a dominant feature that is out-of-character to the surrounding neighborhood or natural features in the immediate area and would create a significant view impairment from neighboring properties. The proposal will detract from the visual appearance of the streetscape. The introduction of a new pole along with the antennas and underground equipment will lead to a proliferation of utility equipment and will detract from the visual appearance of the streetscape. These incremental changes to the improvements in the right-of-way will lead to the deterioration of the City's well-maintained streetscapes, and will establish a precedent for additional facilities in the PROW. The proposed facility is not sufficiently compatible with matters of urban design and the long-term maturation of this residential neighborhood.

12.18.080(A)(5): *Equipment. The applicant shall use the least visible equipment possible. Antenna elements shall be flush mounted, to the extent feasible. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers. Unless otherwise provided in this section, antennas shall be situated as close to the ground as possible.*

The installation of new 26' tall pole with two 21.4" tall side-mounted panel antennas will be visible to a significant number of residences and will create a significant view impairment to neighboring residences especially when traveling on Dovernidge Drive. The proposal does not use the least visible equipment type in order to minimize view impact.

- B. The Project does not meet the Findings required by Section 12.18.090, Subsection E, of the Municipal Code, which particularly requires that “[t]he applicant has demonstrated the proposed installation is designed such that the proposed installation represents the least intrusive means possible and supported by factual evidence and a meaningful comparative analysis to show that all alternative locations and designs identified in the application review process were technically infeasible or not available,” as follows:**

A meaningful alternative comparative analysis has not been provided, and the proposed Project is not found to be the preferred location and particularly design as it introduces a new pole which is not the least intrusive means possible. The Applicant has not sufficiently demonstrated the feasibility of alternative locations that would avoid having to erect a new pole in the residential neighborhood in order to minimize adverse visual impacts to residents by utilizing a slim design on an existing streetlight pole. Out of the 4 alternative sites proposed by the Applicant, Alternative No. 1 (Location E), which proposes the replacement of an existing streetlight pole approximately 157 feet southwest of the Project site on the west side of Doverridge Drive, would meet the Applicant's coverage objective. However, this Alternative would not be least intrusive as it would bring the proposed facility closer to the front of residences and mature landscaping does not exist in this area that would conceal the facility. The deficient coverage occurs to the north of the project location, in the opposite location of the feasible alternative.

- C. The Project does not meet the Findings required by Section 12.18.190, subsections 3 and 4, of the Municipal Code, which particularly requires that “[t]he applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why any alternative location(s) or design(s) suggested by the City or otherwise identified in the administrative record, including but not limited to potential alternatives identified at any public meeting or hearing, are not technically feasible or potentially available and that the applicant has provided the City with a meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant location and design necessary to reasonably achieve the applicant’s reasonable technical service objective,” as follows:**

A meaningful alternative comparative analysis has not been provided, and the proposed Project is not found to be the preferred location and design. There is inadequate documentation to support that no other design alternative exists that might better conceal the proposed facilities from public view instead of introducing a new pole into the neighborhood. The deficient coverage occurs to the north of the project location, in the opposite location of the feasible alternative. Opportunities to locate wireless facilities in a manner that does not involve a new pole or in remote locations deserve greater consideration as an alternative.

Section 3: Pursuant to Section 12.18.060 of the Municipal Code (referencing Chapter 17.80 of the Municipal Code), any interested person aggrieved by this decision or any portion of this decision may appeal to the City Council. The appeal shall set forth the grounds for appeal and any specific action being requested by the appellant. Any appeal letter must be filed within fifteen (15) calendar days of the date of this decision, or by 5:30 p.m. on Wednesday, November 8, 2017. The Council-approved appeal fee

must accompany any appeal letter. If no appeal is filed timely, the Planning Commission's decision will be final at 5:30 p.m. on Wednesday, November 8, 2017.

Section 4: For the foregoing reasons and based on testimony and evidence presented at the public hearings, the information and findings included in the Staff Report, Minutes and other records of proceedings, the Planning Commission of the City of Rancho Palos Verdes hereby denies, without prejudice, ASG No. 36 for the proposed wireless telecommunication facility installation across from 28907 Dovernridge Drive.

PASSED, APPROVED AND ADOPTED this 24th day of OCTOBER 2017, by the following vote:

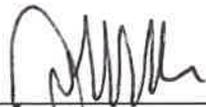
AYES: Commissioners Bradley, Emenhiser, Nelson, Tomblin, Leon, Vice-Chair James, and Chairman Cruikshank

NOES: None

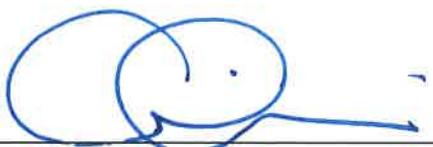
ABSTENTIONS: None

RECUSALS: None

ABSENT: None



John M. Cruikshank
Chairman



Ara Mihranian, AICP
Community Development Director; and,
Secretary of the Planning Commission